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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,979	03/22/2004	Tyler J. Johnson	200315314-1	1470

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

HERNANDEZ, WILLIAM

ART UNIT	PAPER NUMBER
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2816

MAIL DATE	DELIVERY MODE
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03/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/805,979

Applicant(s)

JOHNSON, TYLER J.

Examiner

WILLIAM HERNANDEZ

Art Unit

2816

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 31 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment has been received and entered in the case. The amendments and arguments presented therein overcome the informality objections and indefiniteness rejections, and therefore, these are withdrawn. However, the amendments and arguments do not overcome all of the prior art rejections, and therefore, these are maintained.

Drawings

2. The replacement drawings were received on 8/31/07. These drawings are acceptable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Marchelli (USP 4,300,100).

Regarding claim 1, Marchelli's Fig. 4 shows a system for detecting an edge of a data signal (c) carried on an observability bus, the system comprising:

a first performance counter (FF') connected to receive said data signal, said first performance counter being operable to assert a trigger signal (d) in a given clock cycle in response to detecting an assertion of said data signal in the previous clock cycle (clearly shown in Fig. 4a); and

a second performance counter (G and FF") connected to receive said data signal and said trigger signal, wherein said second performance counter detects said edge based on said assertion of said data signal (when signals c and b are asserted so is the output f) and a logic level in said trigger signal that is a complement to a logic level associated with said assertion of said data signal.

As to claims 2-6 and 8, the recited limitations are clearly shown in Marchelli's Fig. 4a.

As to claim 7, a recitation of the intended use of the claimed invention is not given any patentable weight since Marchelli's structure is capable of performing the intended use.

As to claims 9-22, these claims are rejected for reasons similar to those given in the rejection of claims 1-7.

Response to Arguments

5. Applicant's arguments filed 8/31/07 have been fully considered but they are not persuasive.

Regarding the Marchelli reference, Applicant argues, "it is not clear from the Figure 4a of Marchelli that signal d is not asserted in a given clock cycle in response to

detecting an assertion of signal c in the previous clock cycle"; Examiner respectfully disagrees. As can be seen in Marchelli's Fig. 4a, signal d is asserted at the rising edge of clock a (the start of a given clock cycle). Sometime before that rising edge of clock a, signal c is asserted in a previous clock cycle.

Applicant also argues that "Marchelli does not disclose or suggest that the logic levels of signals c and d are compared to each other in order to detect an edge in the data signal". However, as can be seen in Marchelli's Fig. 4, signals c and d are inputted to AND gate G, whose output is determined by the logic levels of its inputs. If the logic levels of the output and one of the inputs is known, then the logic level of the other input can be determined (i.e., "detected").

Based on the foregoing, Examiner maintains that the Marchelli reference anticipates independent claim 1 as it similarly anticipates claims 9 and 16; and therefore, Applicant's amendments and arguments do not place the claims in condition for allowance.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2816

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Hernandez whose telephone number is (571) 272-8979. The examiner can normally be reached on Mon.-Fri. 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Drew Richards can be reached on (571) 272-1736. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WH

/N. Drew Richards/
Supervisory Patent Examiner, Art Unit 2816